

REMARKS

Claims 1-20 are pending in the application. Claims 1 and 11 are amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

Claims 1 and 11 have been amended in order to clarify further the distinctions between the present invention and that which is described in the art of record. The amendments are not intended to change substantially the scope of the original claims, but rather are provided in an effort to make more clear the distinctions as originally intended.

DECISION ON APPEAL

In the Decision on Appeal mailed 21 April 2004, the Board sustained the rejection of claims 1-20 under 35 USC §103(a) based on acknowledged prior art JP4-141827 in view of *Moriya et al.*

In the paragraph of the Board's Decision bridging from page 10 to page 11, the Board stated as follows:

We also make the observation that, in our view, the language of claims 1 and 11 which sets forth the recording and reproducing operation does not distinguish over the operation of the conventional system acknowledged as prior art by Appellants. For example, the repeated record and reproduce operations in the prior art, as would be necessary to achieve optimum control settings (e.g., as discussed in JP 4-141827) would result in recording on a continuous land track and on a continuous groove track, i.e., a recording on both land and groove tracks, followed eventually by reproduction from both the land and groove tracks as claimed. While such an operation may not be the same as that specifically disclosed by Appellants, it is the claimed invention which is at issue in this appeal. To whatever extent Appellants are alleging a reduction of disk revolutions as a distinguishing factor in the present appealed claims, no such language appears in the claims. (Emphasis in original.)

Herein, Applicants have amended claims 1 and 11, and therefore all pending claims, to specifically recite the distinction between the presently claimed invention and the prior art alluded to in the Board's opinion. As indicated, for example, at pages 29-30 of the specification, the present invention records a signal in both the groove track and land track, and then reproduces the signal from both the groove track and the land track in order to then perform the appropriate evaluation for purposes of optimization. Such approach is beneficial in that it significantly reduces the time required in order to perform the process, and this provides a significant reduction in the number of rotations necessary to achieve the desired settings. Such improvement is neither disclosed nor suggested in the prior art of record. If JP 4-141827 and Moriya et al. are combined as contended by the Examiner, this benefit would not be obtained. Since both references teach the conventional approach of optimizing the parameters of the land track and groove track separately by first performing a recording and reproduction of signals from the land track, for example, and then performing a recording and reproduction of signals from the groove track, the claimed benefit, wherein the recording and reproduction step requires a reduced number of disk revolutions, relative to a step which records and reproduces a signal from a groove track and then records and reproduces a signal from a land track, would not be obtained.

Withdrawal of the rejection is respectfully requested for at least the foregoing reasons.

CONCLUSION

Accordingly, all claims 1-20 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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